

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

AETNA LIFE INSURANCE COMPANY \*

\*

Plaintiff \*

\*

V.

\*

No. 3-14-CV-00347-M-BF

\*

METHODIST HOSPITALS OF DALLAS \*

\*

AND TEXAS HEALTH RESOURCES \*

\*

Defendants \*

**DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT**

COME NOW Defendants METHODIST HOSPITALS OF DALLAS<sup>1</sup> and TEXAS HEALTH RESOURCES,<sup>2</sup> Cross-Movants herein, and file this their Cross-Motion for Summary Judgment. In support thereof, Cross-Movants respectfully would show the Court as follows:

**SUMMARY**

Defendants have filed their "Joint Motion of Methodist-Dallas and Texas Health Resources for the Court to Abstain from Exercising Jurisdiction and to Dismiss Plaintiff's First Amended Complaint Against Them". Further, Defendants have filed a Joint Rule 12(b)(7) Motion to Dismiss Aetna's case. Defendants believe for those reasons, the Court should dismiss this case. Subject to those motions, Defendants now file their Cross-Motion for Summary Judgment. Pursuant to Local Rule 56.3, each of the required matters will be set forth in Defendants' brief in support of this cross-motion.

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<sup>1</sup> Hereinafter referred to as "Methodist."

<sup>2</sup> Hereinafter referred to as "THR."

I.

For the reasons previously stated in Defendants' Response to Aetna's Motion for Summary Judgment, and those included in Defendants' Brief in Support of their Cross-Motion for Summary Judgment, summary judgment should be granted in Defendants' favor ordering the Texas Prompt Pay Act applies to clean claims submitted by Methodist and THR to Aetna and administered by Aetna on behalf of third-party self-funded plans, and ordering that ERISA does not preempt the application of the Texas Prompt Pay Act to these claims.

II.

Methodist and THR respectfully move the Court to enter their proposed Order granting this Cross-Motion for Summary Judgment.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served electronically on this 13th day of August, 2014 to:

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